Ontario

2009 Report

Accessibility for Ontarians with Disabilities Act, 2005

The Honourable Madeleine Meilleur
Minister of Community and Social Services
Minister Responsible for Francophone Affairs

2009 AODA Annual Report

Minister's Message

I am pleased to present our 2009 Accessibility for Ontarians with Disabilities Act (AODA) Annual Report. The report offers an overview of the progress we made in 2009 towards our goal of a more accessible Ontario through the development of province-wide standards on accessibility.

During this past year we took notable strides forward and laid some important groundwork in the areas of standards development and compliance assistance.

The first standard developed under the AODA, the Accessibility Standards for Customer Service, came into effect in 2008. Standards Development Committees working in the areas of transportation, information and communications, and employment submitted final proposed standards in late 2008 through to late 2009 and we are now analyzing the recommended direction in those final proposed standards.

The government has recently approved an integrated approach to regulating the standards under the AODA. As a result, the requirements for the Transportation, Information and Communication, and Employment standards will all be aligned into one, single regulation in order to simplify compliance for obligated organizations, increase flexibility and reduce regulatory burden.

The Accessible Built Environment Standard Development Committee released their initial proposed standard for public review in Fall 2009. The committee is expected to submit their final proposed standard to the government for consideration in 2010.

In order to support the hundreds of thousands of organizations that will be affected by these standards, we developed and launched the Accessibility Compliance Reporting System in Fall 2009. The system allows those businesses and organizations that must submit regular reports on their compliance with the standards to manage their information and complete, certify and sumit their reports in one easy place and entirely online.

This year we also forged some exciting new partnerships with umbrella organizations in different sectors across the province through our EnAbling Change Partnership program. These partnerships have been invaluable in terms of helping us get the message out about the importance of accessibility. Our partners help us communicate information about the requirements of the standards and they develop and distribute valuable tools that help their sectors understand their obligations under the AODA.

I'm proud of the progress we made in 2009. Much of the behind-the-scenes work of the AODA has now been completed. As we look ahead to 2010 and the fifth anniversary of the AODA, we will be focusing more of our efforts on reaching out, engaging and educating businesses and Ontarians about all of the benefits of a truly accessible Ontario.

Sincerely,

Madeleine Meilleur
Minister of Community and Social Services
Minister Responsible for Francophone Affairs

Introduction:
A Journey We're
Taking Together

We have reached a milestone in Ontario.

On January 1, 2010 the province's first standard on accessibility: the Accessibility Standards for Customer Service became mandatory for most of Ontario's broader public sector. This means that organizations such as school boards, colleges, municipalities and the Ontario government are now required to comply with the standard and provide accessible service to everyone.

This journey began in 2005 when the Ontario government passed the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), setting a goal of making Ontario accessible by 2025 for everyone who lives and visits here. The legislation was unique, not only in its strength and scope, but in its spirit of collaboration.

The act called for mandatory province-wide standards on accessibility to be developed - not by government alone - but by Standards Development Committees made up of people with disabilities, representatives from the business community and the public sector working together.

Each of the five standards has been developed by its own Standards Development Committee consisting of representatives from the sectors that would be affected most by the standard once it is in force.

Once the committees agree on an initial proposed standard, it is posted online, giving the public a chance to review each proposed standard and provide feedback to the committee. The committee then considers the feedback and makes changes if necessary to the standard before submitting it to the minister. This is not the way most regulations are created. Upon receipt of the committee's final proposed standard, the Minister can accept the recommended standard in full, in part or with modifications. The AODA and

its regulations are one of the first legislative packages of its kind to be created and developed with stakeholder input for each step of the process.

There are more milestones ahead: the standards being developed by the Standards Development Committees in the areas of information and communications, transportation, employment and the built environment will be introduced in stages.

And, at each step along the way, we will continue to do the work together. We will continue to consult, listen and adapt to make sure that we're breaking down barriers in a way that makes sense for everyone.

In the early part of the journey, we did this through the Standards Development Committees. Now, as we move our attention from standards development to compliance assistance, we will continue in the same spirit by forging partnerships with those organizations and non-profit agencies that represent the individuals and organizations who will be directly affected by these changes.

We're also proud to be working with the Ontario Education Services Corporation to create online training, policies, procedures and tip sheets. These tools will help staff and teachers in schools across the province learn how to interact with people who have a variety of disabilities.

And, in order to ensure that accessibility standards are being developed in a way that works for people with disabilities as well as all types of businesses and organizations, the Ontario government launched an independent review of its accessibility legislation in June of 2009.

Former Ontario Minister of Community and Social Services, Charles Beer, was appointed to conduct an independent review of the AODA to evaluate its effectiveness. He consulted directly with people from the disability, business and public sector communities from September to December 2009. The general public also had the opportunity to participate in this review and provide feedback about the AODA. Mr. Beer's report is expected to be tabled in the Legislature in the Spring of 2010.

Making Ontario accessible by 2025 is an ambitious goal: we know that, but it's one that we know we can achieve by taking one step at a time in the right direction - together.

an accessible Ontario by 2025

Ontario's New
Customer
Service
Standard

In 2005 the Ontario government took a significant step towards building a more accessible province when it passed the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) calling for the development of mandatory province-wide standards for accessibility.

The first of those standards, the Accessibility Standards for Customer Service, came into effect on January 1, 2008 and applies to every business that operates in Ontario, provides goods or services to the public and has at least one employee – that's approximately 360,000 organizations across the province.

customer service standard

The customer service standard requires that businesses and organizations:

Develop a set of policies, practices and procedures on providing goods or services to customers with disabilities. Use reasonable efforts to ensure the policies, practices and procedures reflect the core principles of independence, dignity and equality of opportunity.

Establish a policy to allow customers with disabilities to use their own personal assistive devices to access your goods and use your services.

Communicate with a person with a disability in a manner that takes into account his or her disability.

Train staff, volunteers and any other people who interact with the public on your behalf, or are involved in developing your policies, practices and procedures, on how to provide accessible customer service.

Allow people with disabilities to bring a service animal with them to areas of your premises that are open to the public or other third parties. If the animal is prohibited by another law, use other measures to provide services to the person with a disability.

Permit people with disabilities who use a support person to bring that person with them and, where admission fees are charged, provide notice ahead of time on what admission, if any, would be charged for that support person.

Provide notice when facilities or services that people with disabilities rely on to access your goods or services are temporarily disrupted.

Establish a process for people to provide feedback. Explain how you will respond to any feedback and what action you will take on any complaints. Make the information about your feedback process readily available to the public.

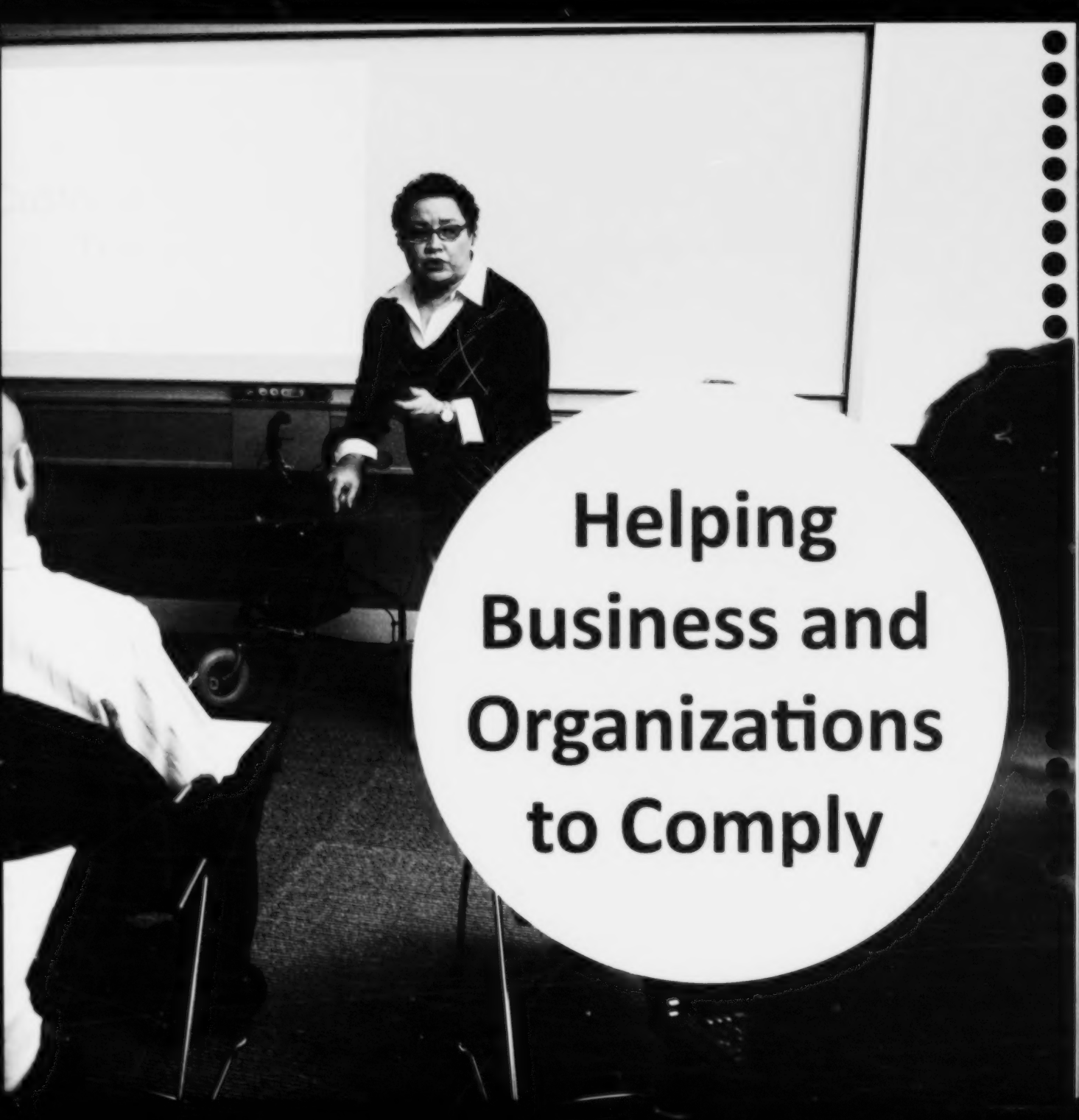
The standard also requires businesses with **20 or more employees** to document how they are complying with the customer service standard requirements and to file regular compliance reports. This can be done online with a simple-to-use electronic form.

Businesses with **fewer than 20 employees** must comply with the standard, but are not required to file reports.

Public sector organizations that are named or described in the standard had to comply by January 1, 2010, and file an accessibility report by March 31, 2010.

Private sector, non-profit and non-designated public sector businesses and organizations must comply with the standard starting January 1, 2012. Those with 20 or more employees must also file accessibility reports starting in 2012.

compliance

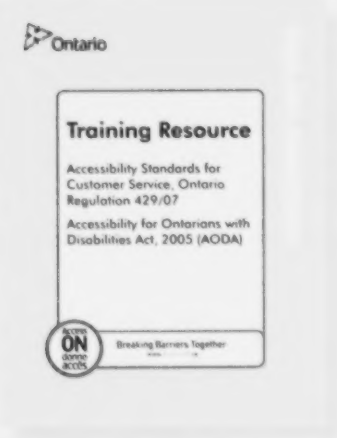

Helping
Business and
Organizations
to Comply

Accessibility is good for business. As Ontario's population ages and the number of people living with some form of a disability increases, businesses that are able to provide quality service to customers with disabilities will have a distinct advantage over those that are not.

In order to help all Ontario businesses and organizations benefit from the requirements of the Accessibility Standards for Customer Service, the Ontario government has developed tools and resources, is providing information sessions, hosting events and forging partnerships with umbrella organizations to help spread the word.

Tools and Resources

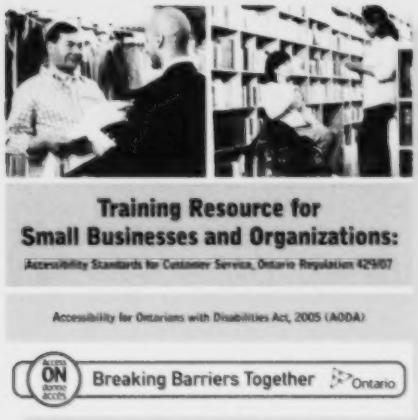
There are a number of tools and resources that have been designed to help organizations better understand the Accessibility Standards for Customer Service and make it easier for them to comply. All are free and available online at **www.ontario.ca/accesson.**


Ontario
Training Resource
Accessibility Standards for Customer Service, Ontario Regulation 429/07
Accessibility for Ontarians with Disabilities Act, 2005 (AODA)
Breaking Barriers Together

Some additional tools and resources developed in 2009 are:

Training Resource: Accessibility Standards for Customer Service, Ontario Regulation 429/07

Designed to assist organizations in meeting the training requirements of the customer service standard.

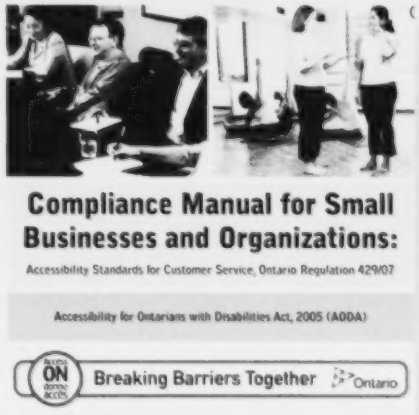

Training Resource for
Small Businesses and Organizations:
Accessibility Standards for Customer Service, Ontario Regulation 429/07
Accessibility for Ontarians with Disabilities Act, 2005 (AODA)
Breaking Barriers Together
Ontario

Training Resource for Small Businesses and Organizations: Accessibility Standards for Customer Service, Ontario Regulation 429/07

A condensed version of the Training Resource, designed to assist small businesses and organizations in meeting the training requirements of the customer service standard.

Compliance Manual for Small Businesses and Organizations: Accessibility Standards for Customer Service, Ontario Regulation 429/07

Offers examples and suggestions on how to meet the requirements of the customer service standard.


Compliance Manual for Small
Businesses and Organizations:
Accessibility Standards for Customer Service, Ontario Regulation 429/07
Accessibility for Ontarians with Disabilities Act, 2005 (AODA)
Breaking Barriers Together
Ontario

COMMUNICATION ACCESS
for people who have communication disabilities
Guidelines and Resources on Communicating
with People who have Communication Disabilities

Communication Access for People who have Communication Disabilities

Provides guidelines and resources on communicating with people who have communication disabilities.

Training This year, Ontario MPPs and their staff were offered training on the requirements of the Accessibility Standards for Customer Service, how they can provide accessible service to their constituents and how they can support the businesses and organizations in their communities that need to comply with the standard.

Training was also provided for staff throughout the Ministry and for staff working in various broader public sector organizations including:

- Ombudsman of Ontario – all staff
- Ministry of Transportation – senior driver counselors
- Agriculture, Food and Rural Affairs Appeals Tribunal – all members
- Conference of Ontario Boards and Agencies – all attendees
- City of Toronto – all members of the city's Communication Forum

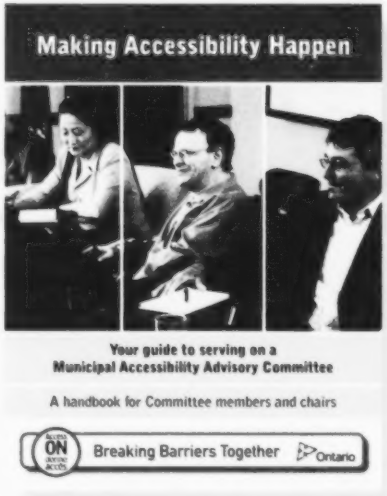
The Accessibility Directorate of Ontario (ADO) also conducted presentations and workshops on the customer service standard to various boards of trade, chambers of commerce, private sector associations and not-for-profit conferences, associations and organizations across the province.

accessible service

Events

The Accessibility Directorate hosted five accessibility forums for municipal Accessibility Advisory Committees in the spring of 2009 to support municipalities in complying with the Accessibility Standards for Customer Service and to strengthen the role that Accessibility Advisory Committees play in municipal accessibility planning.

A resource entitled, "Making Accessibility Happen - Your Guide to Serving on a Municipal Accessibility Advisory Committee" was launched at the forums.


Making Accessibility Happen
Your guide to serving on a Municipal Accessibility Advisory Committee
A handbook for Committee members and chairs
Breaking Barriers Together
Ontario

Partnerships

The Enabling Change Partnerships Program was developed in 1999-2000 as a way for the Accessibility Directorate to reach out to businesses and organizations by teaming up with the umbrella organizations and non-profit agencies that know them best. Over the years, these partnerships have been instrumental in helping to spread the word about accessibility and develop tools and resources tailored to different industry sectors.

This year's partnerships focused on supporting compliance with the Accessibility Standards for Customer Service and on encouraging the development of accessible information and communications.

Action ontarienne contre la violence faite aux femmes

➡ This project will help develop compliance assistance resources (e.g., manual of policies, practices and procedures; training program; reference sheets) to support Francophone women's shelters to comply with the standard.

Adaptive Technology Resource Centre

➡ This project will create accessible infrastructure to train and provide support in implementing the AODA, starting with the Accessibility Standards for Customer Service. It will implement ISO AccessForAll which provides accessibility by meeting the needs of each learner. The infrastructure will be made available at no charge.

Association of Municipal Clerks and Treasurers of Ontario

➡ This project will develop three publications to support municipalities' efforts in making the 2010 municipal election accessible:

- Clerks' Guide to Conducting Accessible Elections
- Candidate's Guide to Accessible Elections
- Citizens' Primer on Accessible Elections

Association of Registered Graphic Designers of Ontario

➡ This project will help develop and disseminate tools (e.g., printed handbook, website, video tutorials) on how to design and produce accessible printed materials, accessible online and electronic information (e.g., websites, videos, DVDs) to support communication professionals as they prepare to comply with the upcoming accessible information and communications standard.

Canadian Franchise Association

➡ This project will develop templates and webinars and share information with franchisors and franchisees to help them comply with the Accessibility Standards for Customer Service. Information on the standard will be posted on the CFA website and published in *Franchise Voice*.

Council of Ontario Universities

➡ This project will develop an accessibility toolkit, training materials and an online forum to help to support consistent and effective implementation of all accessibility standards and strengthen a culture of accessibility across the university sector.

Global Alliance on Accessibile Technologies and Environments

➡ This project will help develop resources for Ontario's design community to understand what accessible information and communication (aIC) entails, obligations to provide aIC, and how to achieve aIC. Deliverables include a practical guide, workshops across Ontario and a self-directed learning resource.

Human Resources Professionals Association

➡ This project will develop three bilingual webinars (AODA, Accessibility Standards for Customer Service and accessible information and communications) that will enable business professionals to support the implementation of accessibility standards.

National Quality Institute

➡ This project will develop downloadable, step-by-step templates to guide companies through implementation of the Accessibility Standards for Customer Service and will offer a certification and award program to verify and celebrate early adopters of the standard. Other deliverables include a web-based repository of tools, training and best practices.

Ontario Chamber of Commerce

➡ This project will develop a website and online training module that will help obligated businesses meet the requirements of the standard. The Ontario Chamber of Commerce will also work with chambers of commerce to host local information sessions across Ontario.

Ontario Federation of Indian Friendship Centres

➡ This project will develop compliance training and supporting materials on the customer service standard for Ontario's Indian Friendship Centres, Aboriginal organizations and agencies, and First Nation communities. ADO resources will also be adapted to be Aboriginal-specific, including translation of specific resources into Aboriginal languages.

Ontario Library Association

➡ This project will produce 3-5 captioned video training segments for staff of public libraries, featuring customer service scenarios and resources to increase accessible customer service.

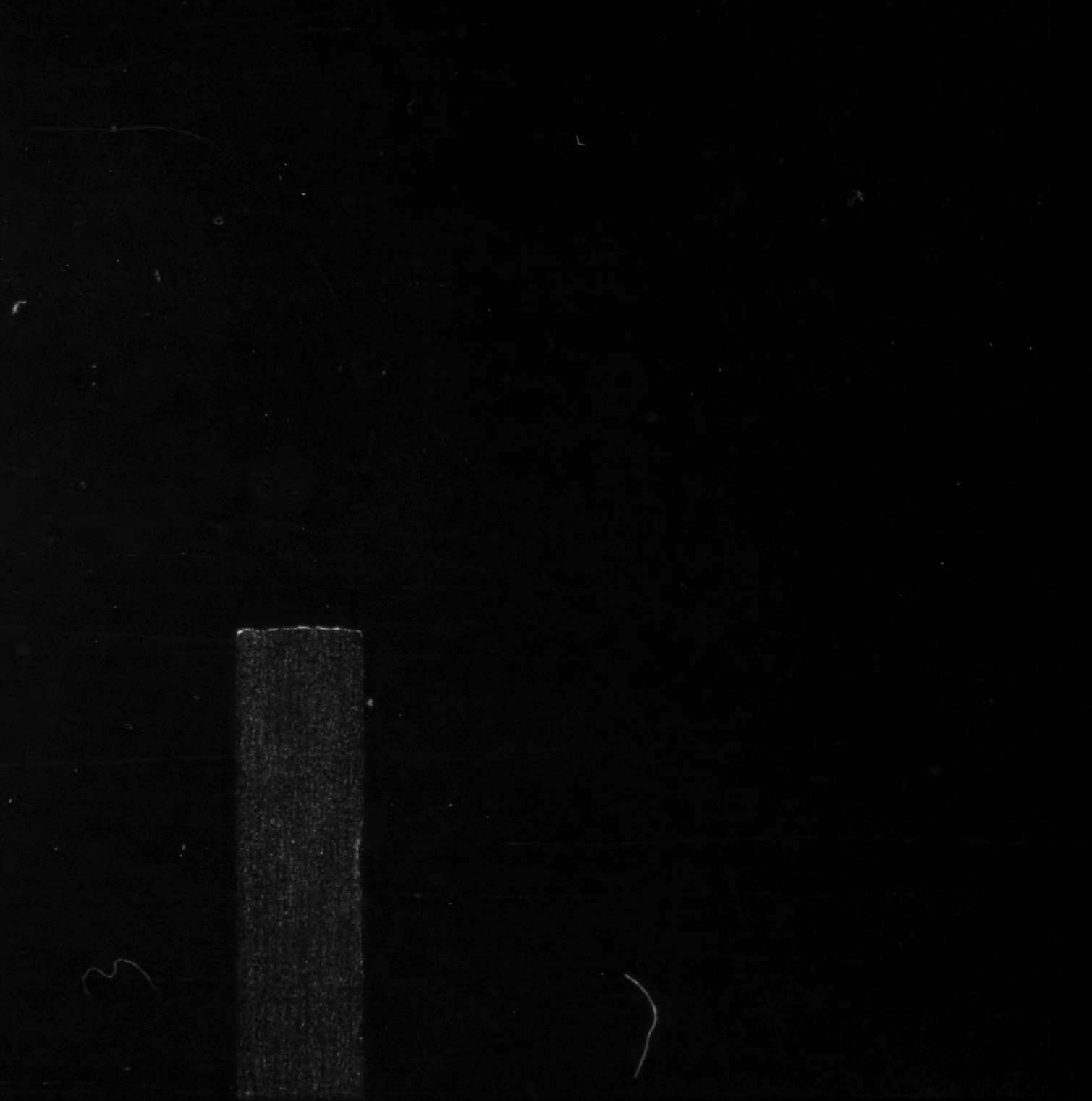
March of Dimes Canada

➡ This project will develop resources (e.g., manual, training materials, and trainer's supplement) to help personnel in emergency shelters better assist people with disabilities during an emergency.

Springtide Resources

➡ This project will will develop resources for violence against women support service providers to increase awareness of the AODA, support compliance with the standard and its requirements, and increase readiness for accessible information and communications.

Compliance: Making It Easier



Compliance:
Making It
Easier

Making Reporting Simpler

According to the Accessibility Standards for Customer Service, businesses and organizations with more than 20 employees must submit regular reports to the Ontario government on their compliance with the standard.

As staff from the Accessibility Directorate traveled around the province and consulted with many different types of organizations in a variety of sectors, one thing they heard again and again was that organizations wanted a way to submit accessibility reports that was simple, and quick. They wanted to be able to manage their information, complete and submit their accessibility reports all in one place - and they wanted to be able to do it online. The government listened, and those ideas were incorporated into the development of the electronic Accessibility Compliance Reporting (ACR) system.

The system allows businesses and organizations that are required to submit regular reports to manage their information, complete, certify and submit their report in one place and entirely online. The ACR will then provide the Accessibility Directorate with the ability to analyze the data and create summary reports on compliance activities and trends.

The ACR system was launched on January 1, 2010 and on January 4, 2010 the Ontario Public Service filed the first accessibility report, indicating full compliance with the Accessibility Standards for Customer Service.

This fully accessible reporting system is now available to obligated broader public sector organizations via the ServiceOntario website. It will be made available to private sector businesses when they are required to comply with the standard in January 2012.

The Accessibility Directorate has also established an ACR Help Desk to answer any questions users may have as they navigate the system.

Making Compliance Easier

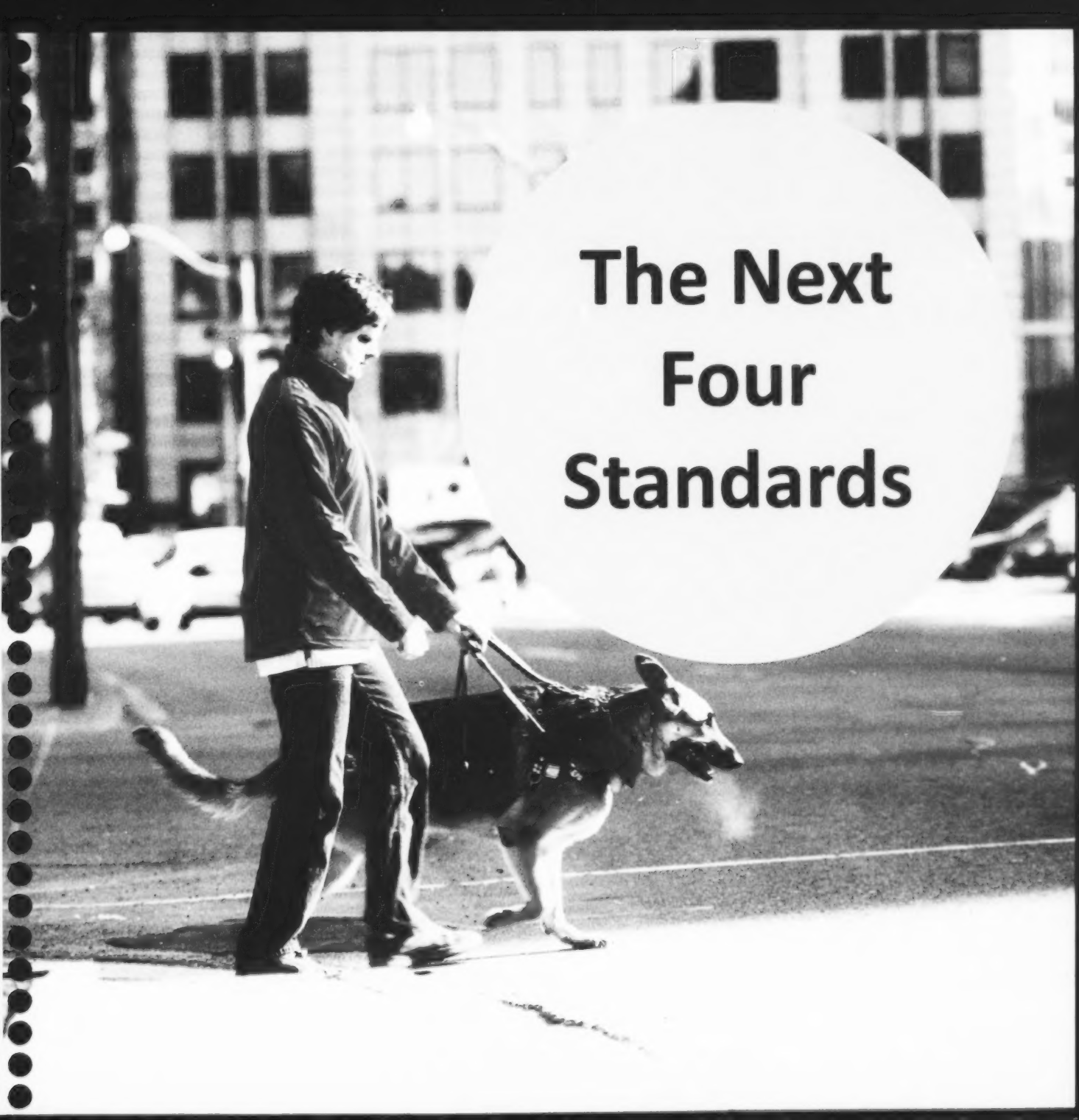
In 2008 the government developed a compliance assurance framework for the AODA to help organizations ensure that they are fulfilling all of the relevant requirements of each of the standards as they come into effect.

The framework included:

- Education, awareness building and compliance assistance activities;
- A self-certification reporting model which would be accessible, available online with links to compliance assistance materials, and allow for automated assessment of the reports by the Ontario government;
- An implementation strategy for inspections and enforcement that includes progressive and appropriate sanctions, as well as a continuous improvement process to evaluate, monitor and modify the compliance approach to achieve better results.

In 2009, the Accessibility Directorate built on that compliance assurance framework by:

- Incorporating a new risk assessment tool into the reporting system to help the ADO focus compliance activities in the areas that will have the greatest impact on accessibility;
- Developing a Knowledge Information Tool to assist AODA Help Desk and compliance staff better support businesses and organizations as they work towards compliance;
- Drafting preliminary policy options for a proposed incentives strategy.


The Next
Four
Standards

The next four accessibility standards, like the Accessibility Standards for Customer Service, were developed by committees of people from the disability, municipal and business communities.

Each standard will have its own requirements but under the government's strategy to develop a single Integrated Accessibility Regulation, several of the requirements would be aligned making it easier for obligated organizations to comply, giving them greater flexibility and reducing costs.

The first three standards that will fall under the Integrated Accessibility Regulation will be for Transportation, Information and Communications, and Employment with the Accessibility Standards for Customer Service to be included in the future. The Accessible Built Environment is expected to be incorporated into the Ontario Building Code where applicable.

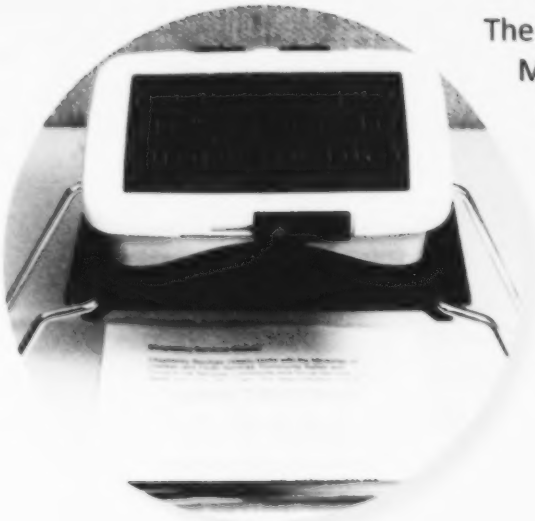
accessible standards

Accessible Information and Communications Standard

The proposed Accessible Information and Communications Standard outlines how business and organizations may be required to create, provide and receive information and communications in ways that are accessible for people with disabilities.

Public review of the initial proposed information and communications standard was completed in early 2009. The process resulted in feedback from over 400 individuals, businesses and organizations.

The Standards Development Committee reconvened and revised their proposed standard, responding to feedback received through the public review process. They then submitted a final proposed standard for the government's consideration on May 29, 2009.



The final proposed standard was posted on the Ministry of Community and Social Services website from July to September 2009 for public information.

The government is reviewing the Committee's final proposed standard. In accordance with the AODA, the proposed standard may be adopted into regulation in whole, in part, or with modifications.

Accessible Transportation Standard

The Accessible Transportation Standard aims to make it easier for people to travel in Ontario, including people with disabilities, older Ontarians and families traveling with children in strollers.

Requirements may include:

- Equipping new vehicles with lifts and grab bars so people with mobility disabilities can easily get on or off;
- Improving lighting so people with low vision are able to board and move safely within vehicles;
- Providing verbal and/or electronic announcements to passengers;
- Making it easier for people with severe disabilities to travel on specialized transportation.

The final proposed transportation standard was posted on the Ministry of Community and Social Services website from January to March 2009 for public information and comment. The government is reviewing the Committee's proposal and in accordance with the AODA, the proposed standard may be adopted into regulation in whole, in part, or with modifications.

Accessible Employment Standard

The proposed Accessible Employment Standard establishes requirements for organizations providing paid employment to ensure accessibility for people with disabilities across all stages of the employment life cycle including recruitment, retention, and returning to work.

Public review of the initial proposed employment standard was between February and May 2009. The process resulted in almost 3,000 comments from individuals, businesses and organizations across the province.

The Standards Development Committee reconvened and made revisions to their proposed standard to respond to feedback received through the public review process. They then submitted a final proposed standard for the government's consideration on September 29, 2009.

The final proposed standard was posted on the Ministry of Community and Social Services website from October to December 2009 for public information. The government is reviewing the Committee's proposed standard and in accordance with the AODA, the proposed standard may be adopted into regulation in whole, in part, or with modifications.

Accessible Built Environment Standard

The proposed Built Environment standard aims to break down barriers in buildings and other structures for people with disabilities by proposing requirements in areas such as:

- Entrances, doorways and ramps;
- Parking spaces;
- Signs and displays;
- Recreation, such as parks and trails.

The Standards Development Committee's initial proposed built environment standard was available for public review from July 14 to October 16, 2009. A total of 518 organizations and individuals participated and provided almost 9,700 comments about the proposed accessible built environment standard.

The Standards Development Committee is now reviewing feedback, and expects to submit a Final Proposed Standard to the Minister in Spring 2010. Once received, the final proposed standard will be posted on the MCSS website for public information. The government will review the committee's proposed standard and in accordance with the AODA, the proposed standard may be adopted into regulation in whole, in part, or with modifications.

Update on
the Accessibility
Standards
Advisory
Council

The council was established by the AODA in 2005. The council's mandate is to advise the Minister of Community and Social Services on the implementation of the AODA, including the development of accessibility standards and public education. The council plays a key role in achieving the vision of an accessible Ontario.

The council has 15 members and includes a cross-section of leaders from the private sector and disability communities. Members are appointed by the minister for a term of up to three years.

The council is currently chaired by James W. Sanders, former President and CEO of the CNIB, and currently CNIB Vice President of the North America/Caribbean region and member of the executive committee, World Blind Union.

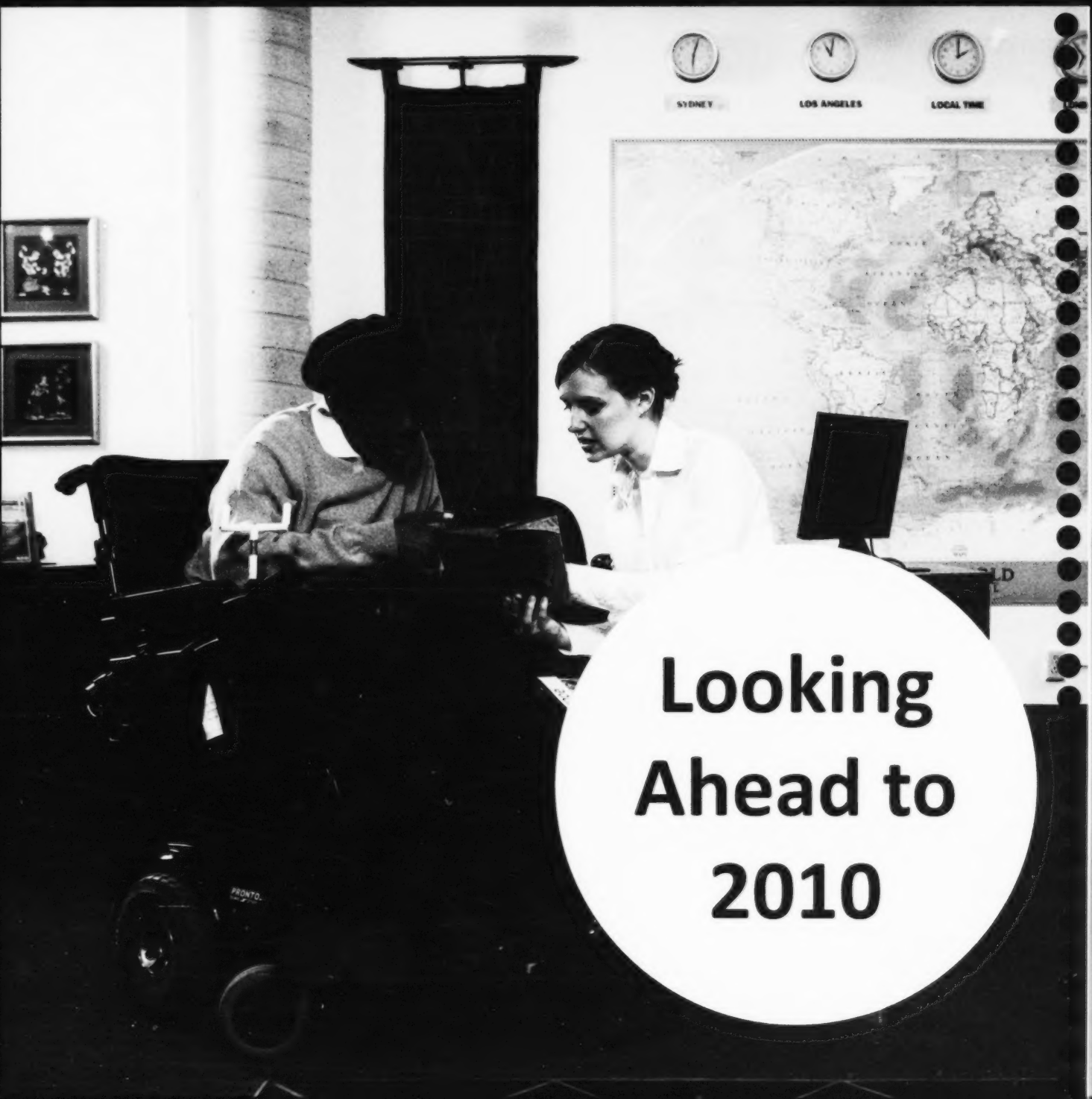
This year the council's work included:

- Sitting as advisory members on standards development committees;
- Collaborating with the Accessibility Directorate to provide feedback and assistance in developing compliance assistance resources and public education and awareness campaigns;
- Conducting information sessions on the AODA and the Accessibility Standards for Customer Service at conferences and events;

- Reaching out to municipalities, private and public sector organizations, associations and institutions to raise awareness of the AODA and the Accessibility Standards for Customer Service. This year council members spoke to a number of different groups including:

  - ➡ County of Essex 7th Annual Accessibility Workshop
  - ➡ North Bay Architects Association
  - ➡ The Francophone Association of Municipalities of Ontario
  - ➡ North Bay Chamber of Commerce
  - ➡ Canadian Centre for Addiction & Mental Health
  - ➡ Bank of Montreal Council of Councils

In 2010, the members of the council will continue to advise the minister on the next steps in the implementation of the AODA and its standards, including providing input on public education, outreach and compliance initiatives.



Looking Ahead to 2010

We made an enormous amount of progress in 2009, not only with standard development, but with shifting the public perception of the need for improved accessibility and its benefits for us all. As we move into 2010, that momentum will continue.

Standards Development

- The government is moving forward with the next four standards in the areas of information and communications, transportation, employment, and built environment.

Continued Outreach

- Targeted and increased communication through additional EnAbling Change Partnerships with representative private sector organizations to support businesses' and organizations' compliance with the Accessibility Standards for Customer Service for January 1, 2012.
- Continued outreach to obligated organizations through events and education initiatives;
- Continued support to the Ontario Public Service and the broader public sector on compliance with the Accessibility Standards for Customer Service;
- Continue to work on building partnerships with other ministries to allow for data sharing in preparation for January 1, 2012 when private sector and non-profit organizations will have to comply with the Accessibility Standards for Customer Service and report on their compliance.

Supporting Compliance

- Continue to work with other key government ministries to expand the inspection and enforcement model for 2012 and beyond.

- Move forward with a recommendation for the designation of an existing tribunal to hear appeals under the AODA. This tribunal will be established for the purposes of hearing appeals of a director's order to comply with a standard or pay administrative monetary penalties. The tribunal will not have authority to hear claims by individuals related to contraventions of the standards by obligated organizations.

- The ADO will continue to develop an Administrative Monetary Penalty program to support enforcement activities and to act as a disincentive to wilful non-compliance.

- Include flexibility into the design of Accessibility Compliance Reporting system to allow for the incorporation of new standards as well as additional functionality.

- Further develop an information management system that ensures efficient information sharing and updating.

Conclusion

With more than 1.85 million Ontarians currently living with a disability, and a population that is aging rapidly, the question is not should we make the province more accessible, it's how are we going to make the province more accessible.

Everyone who lives in Ontario ought to be able to go to school, get a job, rent an apartment, go shopping, visit a provincial park, access government services, and do all of the other things that this incredible province has to offer.

We all agree that changes have to be made. Together, we can make those changes in a way that benefits everyone. People living with disabilities will be able to live richer, more independent lives and businesses and organizations will benefit from access to a larger customer base as well as a more diverse pool of potential employees.

We started this journey together, working with the disability community, the business community, the non-profit sector and the public sector to develop new standards for accessibility. Now, as we move forward, we will continue that collaborative effort, reaching out to build partnerships, bringing representatives together to share what works and what doesn't and - most importantly - listening to their needs, their concerns and their ideas for change.

December 2009
© Queen's Printer for Ontario, 2009
ISSN 1911-818X (Print) xM/12/09
ISSN 1911-8198 (Online)

This document was produced by the
Ministry of Community and Social Services.

Ce document est également disponible en français.